

O

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11	GB INLAND PROPERTIES II,	)	Case No. CV 12-04953 DDP (AJWx)
12	LLC,	)	
13	Plaintiff,	)	
14	v.	)	<b>ORDER TO SHOW CAUSE WHY THIS CASE</b>
15	LUIS CASTRO,	)	<b>SHOULD NOT BE REMANDED FOR LACK</b>
16	Defendant.	)	<b>OF JURISDICTION</b>
17	_____	)	

The court orders Defendant to show cause why this action should not be remanded to state court for lack of subject matter jurisdiction. Plaintiff filed this action in state court against Defendant, alleging that Defendant unlawfully failed to surrender possession of the real property located at 1030 W. 101st Street, Los Angeles 90044.

On June 6, 2012, Defendant Robin Mercer removed to this court pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1331. A defendant may remove to federal court "any civil action brought in a State court of which the district courts of the United States have original jurisdiction . . . ." 28 U.S.C. § 1441(a). District courts have

1 original jurisdiction over "all civil actions arising under the  
2 Constitution, laws, or treaties of the United States. 28 U.S.C. §  
3 1331. "Under the longstanding well-pleaded complaint rule,  
4 however, a suit 'arises under' federal law only when the  
5 plaintiff's statement of his own cause of action shows that it is  
6 based upon federal law." Vaden v. Discover Bank, 556 U.S. 49, 60  
7 (2009) (quotation, citation, and alteration omitted). "Federal  
8 law" cannot be predicated on a defense or counterclaim. Id.  
9 The removal statute is strictly construed against removal  
10 jurisdiction, and federal jurisdiction must be rejected if any  
11 doubt exists as to the propriety of removal. Gaus v. Miles, Inc.,  
12 980 F.2d 564, 566 (9th Cir. 1992).

13 Here, nothing on the face of Plaintiff's complaint suggests a  
14 federal question. Accordingly, the court orders the parties to  
15 file cross-briefs, not to exceed five pages, to show cause why this  
16 action should not be remanded for lack of subject matter  
17 jurisdiction. Any such briefs shall be filed within fourteen days  
18 of the date of this order. The parties should also deliver a  
19 courtesy copy to chambers, Room 244-J, Second Floor, 312 N. Spring  
20 Street, Los Angeles 90012. The court notes that Defendant bears  
21 the burden of establishing removal jurisdiction. If a party does  
22 not file a brief, the court will regard the party as not opposing  
23 remand of this matter.

24 **IT IS SO ORDERED.**

25  
26 Dated: June 21, 2012

  
DEAN D. PREGERSON  
United States District Judge